

REMARKS

In the Office Action mailed March 18, 2009, the Office noted that claims 18-23, 26-33 and 35 were pending and rejected claims 18-23, 26-33 and 35. No claims have been amended, no claim has been canceled, and, thus, in view of the foregoing, claims 18-23, 26-33 and 35 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

DOUBLE PATENTING

Claims 18 and 19 are provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Application No. 11/790,745.

The Applicants herewith file a Terminal Disclaimer.

Withdrawal of the provisional rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 18-23 and 27-33 stands rejected under 35 U.S.C. § 103(a) as being obvious over Park, U.S. Patent Publication No. 2004/0174793 in view of Mitsuda, U.S. Patent No. 6,956,798. The Applicants respectfully disagree and traverse the rejection with an argument.

The present invention has a novel feature such that "a reliability information recording area for recording therein a

plurality of reliability information, each of which indicates reliability of whether or not respective one of the plurality of types of management information is correctly updated." In other words, the present invention has a novel feature such that "the plurality of reliability information are prepared for each type of management information one by one." Specifically, as shown in Fig. 4 of the present application, the present invention has a novel feature such as "(i) first reliability information (for example, reliability information 150-S0 in Fig. 4) for indicating whether or not first type of management information (for example, SBM (Space Bit Map) for L0 layer in Fig. 4) is correctly updated, (ii) second reliability information (for example, reliability information 150-S1 in Fig. 4) for indicating whether or not first type of management information (for example, SBM (Space Bit Map) for L1 layer III Fig. 4) is correctly updated, (iii) third reliability information (for example, reliability information 150-D in Fig. 4) for indicating whether or not first type of management information (for example, DFL (Defect List in Fig. 4) is correctly updated, [...] (n) n-th reliability information (for example, reliability information 150-P in Fig. 4) for indicating whether or not n-th type of management information (for example, OPC-P (Optimum Power Calibration Pointer in Fig. 4) is correctly updated."

In contrast, Park merely discloses the plurality of areas (i.e. the plurality of DMAs (Defect Management Area)).

Therefore, even if the "update flag" discussed in Mitsuda is applied to the plurality of DMAs discussed in Park, the following construction is merely obtained such that "update flag for indicating whether or not the previous writing in the respective one area (i.e. the respective one DMA) has been terminated normally". In particular, the construction such that "update flag is prepared for each area," which is absolutely different from the "management information, is merely obtained." Therefore,

Mitsuda (or the combination of Park and Mitsuda) does not disclose, suggest or teach the above novel feature of the present invention.

In addition, Park (see ¶ 0048) discloses that "Upon completion of any recording stage using a write-once type optical disc, final values of the TDMA information must be transferred to, and recorded in the DMA". This disclosure means that same value (i.e. final values of the TDMA information) is redundantly recorded into each of the plurality of DMAs. In other words, this disclosure means that the recorded value in DMA1, the recorded value in DMA2, the recorded value in DMA3 and the recorded value in DMA4 are same to each other. Therefore, even if the "update flag" disclosed in Mitsuda is applied to the plurality of DMAs disclosed in Park. The following construction is merely obtained such as "update flag for redundantly indicating whether or not the writing of same information has been terminated normally."

Therefore, Mitsuda (or the combination of Park and

Mitsuda) does not disclose, suggest or teach the above novel feature of the present invention such that each of a plurality of reliability information indicates reliability of whether or not respective one of the plurality of types of management information, which are different from each other, is correctly updated."

For at least the reasons discussed above, Park and Mitsuda, taken separately or in combination, fail to render obvious the features of claims 18, 28 and 32 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 18-23, 26-33 and 35 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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